

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STANLEY PATRICK WEBER,

Defendant.

Criminal Docket
No. CR 18-14-GF-BMM

Partial Transcript of Trial with a Jury
Opening Statements

Missouri River Federal Courthouse
125 Central Avenue West
Great Falls, MT 59404
Tuesday, September 4th, 2018
3:26 p.m. to 3:51 p.m.

BEFORE THE HONORABLE BRIAN MORRIS
UNITED STATES DISTRICT COURT JUDGE

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Proceedings recorded by machine shorthand
Transcript produced by computer-assisted transcription

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THE UNITED STATE OF AMERICA:

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OPENING STATEMENT BY MS. SUEK

PROCEEDINGS

(Open court.)

(Defendant present.)

(Jury present.)

(Whereupon, during the above-entitled trial, opening statements proceeded as follows:)

THE COURT: Members of the jury, those are your instructions to follow until the end of the trial. I am now going to call upon counsel of the United States to make an opening statement.

Ms. Suek.

MS. SUEK: Ronald Joseph Four Horns is 35 years old. He goes by the name of Joe. You will meet him today. You will meet him wearing a yellow jump suit and handcuffs. You will meet him that way because he spent most of his adult life in federal prison. Currently, he's serving a 17-plus-year sentence for bank robbery. Before that, he was convicted of kidnapping and seriously beating up an individual. And before of that, in the State of Montana, he was involved in a shooting incident. All felonies. And his criminal history didn't start there. It started way back. Young, 13, 14 years old when he was a juvenile.

The Joe Four Horns that you might not see will be shown to you on the screen right now, Government's Exhibit 4.

(Displayed.)

OPENING STATEMENT BY MS. SUEK

1 MS. SUEK: This Joe Four Horns, an 11-year-old boy in
2 1994, was living in Canada with his parents. That's where he
3 was born. He's an enrolled member of the Blackfeet Nation.
4 The Blackfeet Nation has tribes both in Canada and here in the
5 United States. Most commonly for us in this area, we know of
6 Browning and the Blackfeet Reservation.

7 About that time, 10, 11 years old, this boy's parents
8 divorced. And Joe's dad stayed in Canada, and Joe came down to
9 Browning with his mother. His mother had problems. He'll tell
10 you she wasn't around, and then that caused he and his brothers
11 and sisters to be put in the Nurturing Center in Browning. And
12 Joe will tell you, that boy, that all he wanted to do was get
13 back to his parents and get back to his life.

14 That boy, that vulnerable boy living in the Nurturing
15 Center away from his parents, met that man, Dr. Weber, his
16 pediatrician. He will tell you, reluctantly, that he remembers
17 Dr. Weber. He met Dr. Weber in the Nurturing Center. He met
18 Dr. Weber at the hospital.

19 Dr. Weber developed a relationship with Joe that even
20 that 11-year-old boy knew was wrong. It progressed fairly
21 quickly to Joe's memory of Dr. Weber touching him in ways that
22 he didn't feel comfortable with. And then it progressed to
23 Counts I and II of the indictment, defined as sexual acts,
24 where the doctor placed his mouth on Joe's penis and placed
25 Joe's penis in his mouth. And Joe will tell you he remembers

OPENING STATEMENT BY MS. SUEK

1 because the doctor ejaculated in a Kleenex not in his mouth.

2 And he also touched Joe's penis under his clothes,
3 and he had Joe touch his penis. And he put him face down on a
4 table and tried to engage in anal intercourse with him. That's
5 Count III, an attempted sexual act.

6 That all happened around 10, 11 years old, to that
7 boy. At about that time, Joe was getting in trouble. He
8 joined a gang. He got sent to Idaho. And then if that wasn't
9 enough, he got sent back from Idaho. Why? Because his father
10 committed suicide.

11 He met Dr. Becky Crawford [sic] then, a psychologist
12 at Indian Health Services, and Dr. Crawford was helping him,
13 helping him deal with the suicide and the issues of his life.
14 And Dr. Becky Foster will tell you she witnessed behavior by
15 Dr. Weber at the time when she was there in Browning at the
16 same time that she was helping Joe Four Horns that wasn't
17 right. That was wrong. That she had suspicions.

18 That's important to remember Dr. Becky Foster because
19 we're here today, decades later, because Joe Four Horns never
20 told anybody about what Dr. Weber did to him. Dr. Weber told
21 him not to. And Joe thought because Dr. Weber told him so that
22 he was going to help Joe get back to his parents, and that's
23 all he wanted. So he didn't tell anybody.

24 And then it got to the point where he became a
25 criminal, and he didn't know how to tell anybody. And then

OPENING STATEMENT BY MS. SUEK

1 he'll tell you, in federal prison, he's not going to tell
2 anybody because there's a code. He lives by it today. He
3 doesn't want to be here today. Even with what he will tell you
4 this man did to him, that boy, he still doesn't want to be a
5 snitch and get this man in trouble because that's a violation
6 of the code.

7 But, November 2016, a BIA agent out of South Dakota
8 went to the prison where Joe was to talk to him. Why did he do
9 that? Because Dr. Foster suggested he should. And that was
10 the first time, November of 2016, that Joe told anybody about
11 what Dr. Weber did to him, did to that boy.

12 Gilbert Running Crane lived in Browning at the same
13 time. He's a little bit older than Joe. He goes by James, Big
14 James. He's about 13 to 14 about the same time that Joe was
15 about 10 or 11. He didn't meet Dr. Weber at the Nurturing
16 Center at the hospital because that's not where he was living.
17 There was a group of kids in the middle school, boys, that were
18 in a class. And all of those boys were in that class because
19 they would get in trouble. Dr. Weber spent time with that
20 class and those boys. James wasn't in that class, but James
21 knew those boys, and that group would spend time at Dr. Weber's
22 house. The pediatrician would have these boys. Never
23 remembers any girls. Never remembers any adults. Just these
24 middle school boys of this age over at the house. And they
25 would get candy and video games and sometimes money, alcohol.

OPENING STATEMENT BY MS. SUEK

1 Well, James was a vulnerable kid. He didn't have a
2 lot of family. That was a really good place for him to go, he
3 thought. Safe place. He's a doctor. Right?

4 Well, one time he drank too much alcohol when he was
5 at the doctor's house, and he passed out on the couch. And he
6 woke up, and the doctor was touching his penis. He had jean
7 shorts on. And he looked up, and Dr. Weber didn't have any
8 clothes on from the waist down, and he's masturbating himself.
9 James will tell you the only thing he could do was lay back and
10 put his arm over his eyes.

11 That happened -- and I think you will see in James
12 the frustration with it all because, before that, the doctor
13 had propositioned him. He had asked James to give him oral
14 sex, and James didn't do it and left. And then Dr. Weber said
15 to him, "You didn't tell anybody about that, did you?" And he
16 gave him \$20. He thought it was hush money. But he went back.
17 He went back. And for that misplaced trust, he was sexually
18 abused. Those are Counts IV and V of the indictment.

19 Different names of the crimes. You will see "sexual
20 abuse of a child" and "sexual abuse of a minor." That just
21 means the difference in the ages. Joe was under the age of 12
22 at the time. James was older.

23 Dr. Becky Foster wasn't the only one. Her husband,
24 Dr. Dan Foster, a psychologist at the IHS, same job as
25 Dr. Foster working at the IHS, and they had for 30-plus years.

OPENING STATEMENT BY MS. SUEK

1 Retired from that. He had his suspicions as well.

2 A nurse, a janitor, the boys in that troubled class,
3 they will tell you about going to the doctor's house, getting
4 candy, gum, presents. The touches that didn't feel right to
5 them. The personnel at IHS -- the Fosters, the janitor, this
6 nurse -- suspected things just weren't right. Things like they
7 would see Dr. Weber out with these boys, these troubled boys,
8 dressed like a teenager in baggy pants. They all suspected.
9 The Fosters made a report. For their trouble, they got
10 transferred.

11 James didn't disclose either. He didn't disclose
12 until Agent Muller showed up in May of 2017. Same story as
13 Joe. Didn't want to talk about this at all. And we expect
14 that he'll talk to you as well.

15 The government's charged five crimes here. I
16 explained a little bit about them. The first three involve
17 Joe. Some of these elements are not even in dispute for you.
18 That all of these acts occurred on the Blackfeet Indian
19 Reservation. Both Joe and James are enrolled members of the
20 Blackfeet Tribe. Sexual acts involve -- the crimes involve
21 sexual acts. Sexual acts are attempted or there's penetration
22 or touching under the clothing crimes. Sexual contact, as
23 happened to James, touching over the clothing.

24 That's what we have to prove. We will prove that
25 with the testimony of these two men telling you about what

OPENING STATEMENT BY MR. STEINBERG

1 happened to those two boys. We'll prove it with corroborating
2 evidence of the other boys, of the personnel at IHS. We will
3 welcome the burden because our evidence speaks for itself. And
4 in the end you will return five verdicts of guilty. Thank you.

5 THE COURT: Thank you, Ms. Suek.

6 Mr. Steinberg.

7 MR. STEINBERG: Thank you.

8 May it please the Court, Counsel. I listened
9 intently to the opening of my colleague, and I sat back, and I
10 wondered "Is she suggesting that somehow Mr. Four Horns' life
11 of crime, as she called him a criminal, is a result of
12 allegations made by him now?" And I thought to myself "Is she
13 going to mention the fact that Mr. Four Horns has been
14 institutionalized for years but was free for several years too
15 and never came forward and said anything?" Will she mention
16 that there's not one person that Mr. Four Horns went to and
17 said, you know, "When I was a kid, something weird happened to
18 me, and maybe that's the reason my life has spiralled
19 downhill." Is there a mother? Is there a close friend? Is
20 there a brother? Is there a sister? Is there anyone who will
21 say, "Yeah, one night, we both got drunk, and it was one of
22 those nights where perhaps we said too much. We talked too
23 loudly." But they don't have anything close to that. They
24 don't have anything that suggests that Mr. Four Horns told
25 anyone. Anyone.

OPENING STATEMENT BY MR. STEINBERG

1 In fact, what takes place -- and if I remember
2 correctly, it's November 8th of 2016 -- that an agent from the
3 government goes to Mr. Four Horns. And what's ironic is on
4 that very date, minutes earlier, he had a psychological
5 appointment. He was asked, "Oh, by the way, have you ever been
6 the victim of any type of abuse or anything like that?" And
7 his answer was "No."

8 And that's not the only time he was asked. You will
9 hear from his records that have been provided to us that on
10 multiple occasions, throughout his various stays, he's been
11 asked and always denied. Always denied. And he continued that
12 denial because when he is first approached, he's asked, "Do you
13 remember a Dr. Weber?"

14 And he says, "No."

15 And they said, "Do you remember Dr. Pat Weber?"

16 And he says, "No."

17 And you will find that even at the age of 11, he
18 became a member of the Crips gang. He began what has
19 unfortunately become one of his demons in terms of lifelong
20 abuse of drugs, a cornucopia of methamphetamine, cocaine, LSD,
21 marijuana, alcohol, you name it. And that unfortunately has
22 gone on and plagued him for most of his life.

23 But they weren't going to say and accept "No." They
24 said, "Well, are you sure?"

25 "No."

OPENING STATEMENT BY MR. STEINBERG

1 "Well, please," to him, "have you been a victim of
2 sexual assault?"

3 "No."

4 "Ever been a victim of someone forcing you to perform
5 or have oral sex?"

6 "No." But they weren't going to accept that.

7 And the one thing that counsel is absolutely right
8 about is during his institutional times, he's learned the
9 system. And part of learning the system is manipulating the
10 system. What he learned is he came before this judge several
11 years ago, and he pled guilty to that bank robbery charge. And
12 now he's trying to withdraw that plea, and he's saying, you
13 know, "I have schizophrenia. And because I have schizophrenia,
14 I hear voices. And sometimes these voices they tell me to do
15 things. But I'm able to fight them off."

16 And he came before the judge, and he said, "Hey,
17 Judge, you didn't find out sufficiently if this schizophrenia
18 made me make things up and if it affected my ability when I
19 pled guilty." And he said, "Judge, I want to withdraw that
20 plea now." And they had a hearing, and the judge said, "No.
21 I'm not going to allow you to." And they appealed it.

22 Then, all of a sudden, this case comes along, and the
23 government says, you know, "We've changed our mind. We now
24 think that maybe we should give you a whole new hearing in
25 front of Judge Morris to determine whether or not maybe you had

OPENING STATEMENT BY MR. STEINBERG

1 schizophrenia. And maybe the judge should have inquired into
2 it more." And you wonder, is he manipulating that system?
3 He's getting his hearing, but he's got to testify.

4 So you will hear how the officer, the police officer,
5 leads him on and says, "Hey, did he ever perform oral sex? You
6 know, you will feel better. You will be able to unburden
7 yourself. All of these problems you have had as you've been a
8 prisoner, they will all wash away. I had this other guy who,
9 once told me that he did it, everybody said he was a changed
10 man. He was free. Are you sure nothing happened?"

11 "Oh, yeah. Okay. Yeah, he touched me."

12 And be careful and listen carefully to him when he
13 says he was in that room. Because he keeps talking about "we."
14 "We were there. We were there." Where are these other people
15 in terms of that room when he says he was not alone with
16 Dr. Weber? And there were other people, including his family
17 members. Because you will hear from his brother, who,
18 unfortunately, is plagued by his own demons and has never
19 maintained and never suggested that anything in terms of any
20 sexual misconduct happened with Dr. Weber. He's in prison.

21 And he will tell you nothing happened to him. And, by the way,
22 he'll tell you his brother never said anything happened to him.

23 And the meetings where Mr. Four Horns is in with the
24 doctor and keeps talking about the other people who were there,
25 his family members, they are not going to be able to produce

OPENING STATEMENT BY MR. STEINBERG

1 them and say they saw anything, they heard anything, they
2 watched anything.

3 Oh, yeah, my client, perhaps, is an odd duck. And
4 when you are an odd duck on the reservation, the rumors abound.
5 And so the Fosters of the world, they want to jump on those
6 rumors. And we'll have to ask her, "If you are such a good
7 psychologist and you thought something was wrong, did you ask
8 Mr. Four Horns when he was your patient, when he was a young
9 boy, 'Is there something we should talk about? Is there
10 something going on? Has anybody done anything to you?'" Let's
11 draw it out of her. Let's see what she says to you when I ask
12 her those questions. And she'll tell you "No. I either did
13 not ask him, or I asked him and he said no. And I had no other
14 evidence other than my suspicions." Because, you know, when
15 you are different and when you are an odd duck, it's easy to
16 point the finger.

17 When it comes down to it, the government got what
18 they wanted from Mr. Four Horns. He'll come in. He'll testify
19 for them. And the notions they planted in his mind when he
20 said, "No, no, no," and then he says, "Hey, by the way, you
21 know, I'm from Montana. Will I get to come back to Montana?"
22 Because, you know, he's being housed in Pennsylvania. And he's
23 got family members here, friends here. And he says to them,
24 "Will I get to come back to Montana and testify?"

25 "Yeah, you will."

OPENING STATEMENT BY MR. STEINBERG

1 And now he has to be on that medication, by the way.
2 See, they are not sure -- and I defy them to bring in a doctor
3 that says he actually has schizophrenia. But he has to be on
4 this medication, you see, because now he's got to come in front
5 of Judge Morris and say, you know, "When you took my plea, I
6 was schizophrenic, and I didn't know what I was doing. So I
7 shouldn't have had to plead guilty."

8 This trial is about those counts involving
9 Mr. Four Horns and whether or not you say to yourself, you
10 know, "I believe Mr. Four Horns beyond a reasonable doubt. No
11 question in my mind."

12 Then you can move on to the vulnerable boy they
13 called -- who they will call and whose situation is --
14 Mr. Running Crane's is different. You see, Mr. Running Crane
15 is in a situation where he was being treated. It was a
16 situation where -- he's an odd duck, you see. He actually let
17 people who are indigenous come to his house. He let them into
18 his house. And you will hear from others who were at his
19 house, and he let them play video games. And, yes, he took
20 them on camping trips, and he took them to other places. And,
21 yes, he gave these poor kids money. Can you imagine? You've
22 heard it. My God, the government is astounded and offended
23 that he gave a poor kid 20 bucks. And you will hear from some
24 of the other kids, "Yeah, he bought us candy."

25 Then, we're bringing in the administrator, and we'll

OPENING STATEMENT BY MR. STEINBERG

1 say, "Wait. Wait a second. What's going on here?"

2 And she will say, "Yeah, we wanted outreach to these
3 kids."

4 And it wasn't prohibited whatsoever for the doctor to
5 take those kids on trips. And, by the way, it wasn't
6 prohibited for the doctor to have those kids at his house and
7 let them play video games and let them watch TV and eat candy.
8 But when you are an odd duck, this is what happens to you.

9 Because, again, Mr. Four Horns -- excuse me --

10 Mr. Running Crane, we'll see if the government can produce one
11 witness that says to you "I knew Running Crane, and we got
12 drunk one night" or "We were at an emotional event" -- whether
13 it be at a funeral or a hospital, and sometimes your emotions
14 are let down -- "and I told somebody what happened to me when I
15 was a kid. I didn't go into the specifics, but I said, 'Yeah,
16 something happened to me, and I don't really want to talk about
17 it.'" They don't have that witness.

18 And they don't have Mr. Running Crane calling up and
19 saying, you know, "I want to come clean. I want to tell you
20 what happened to me." They don't have that either. What they
21 have is the government going to some down and out guy and
22 basically saying, "Hey, we've heard some things. We're
23 suspicious of some things. We'd like to talk to you about
24 something that happened 25 years ago. Tell us. Can you help
25 us out? We know you probably never talked about this. But,

OPENING STATEMENT BY MR. STEINBERG

1 you know, we're the United States Government, and we want to
2 help you."

3 And you will look at this case, and you will say to
4 yourself, "25 years ago? You need more than this." You need
5 more than the wild accusations. Without somebody coming
6 forward that was there, that saw it, that heard about it, that
7 either Four Horns or Running Crane told to corroborate their
8 stories. That's what this trial is about.

9 Thank you very much.

10 THE COURT: Thank you, Mr. Steinberg.

11 (Whereupon the trial continued.)

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REPORTER'S CERTIFICATE

REPORTER'S CERTIFICATE

I, Yvette Heinze, a Registered Professional Reporter and Certified Shorthand Reporter, certify that the foregoing transcript is a true and correct record of the proceedings given at the time and place hereinbefore mentioned; that the proceedings were reported by me in machine shorthand and thereafter reduced to typewriting using computer-assisted transcription; that after being reduced to typewriting, a certified copy of this transcript will be filed electronically with the Court.

I further certify that I am not attorney for, nor employed by, nor related to any of the parties or attorneys to this action, nor financially interested in this action.

IN WITNESS WHEREOF, I have set my hand at Great Falls, Montana, this 3rd day of January, 2019.

/s/ Yvette Heinze

Yvette Heinze
United States Court Reporter